

July 18, 2023

Regular Meeting

Item # 7a. -

Presentation

PUBLIC

HEARING:

General Plan

Amendment

23-002

GPA 23-02: Annual Cleanup

MONO COUNTY BOARD OF SUPERVISORS

July 18, 2023

Timeline

2022 RPACs , PC 5/18/23

Noticing

Public Hearing & SB18

CEQA

Addendum to 2015 GP EIR

Fiscal

No Impact

DEFINITION AND PERMITTED USE REQUIRED BY STATE LAW

02.1042 Single Room Occupancy

“Single room occupancy” (SRO) means a facility providing six or more dwelling units where each unit has a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred (400) square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer. SROs are a land use similar to apartments and condominiums.

PERMITTED USES

- Transitional and Supportive Housing including Single Room Occupancy facilities.

CHAPTER 2 - DEFINITIONS

1. Add language to 02.705 for an explanation of dual, split, mixed (MD) land use designations:

02.705 Land use designation.

“Land use designation” is a general category or class of land use activity (e.g., “residential,” “commercial” or “industrial”) that is permitted to occur on specific parcels of land in the unincorporated area of the county that have been duly assigned that designation by the County pursuant to this Land Use Element of the General Plan. Land use designations are generally described in Section IV of this Land Use Element and their specific assignments to individual parcels of land in the unincorporated area of the county are depicted in the Land Use Maps available at <https://monomammoth.maps.arcgis.com>. Because assigned land use designations essentially create regulatory boundaries or areas within which certain permitted uses may occur, parcels of land are sometimes described under these Land Development Regulations as being located within their assigned land use designations. Except as otherwise expressly provided by these Land Development Regulations, no land may be developed or used except in the manner permitted by its assigned designation (see Section 01.060 of these Land Development Regulations). **Please see “Section IV. Land Use Designations” for an explanation of dual, split and mixed (MD) land use designations.**

CHAPTER 4 - GENERAL

1. Chimneys, vents, similar appurtenances do not require a Director Review to exceed 35' in height.

Chapter 4 - General

04.110 Building height.

D. Exceptions to Height Limitations:

2. Director Review: The following uses shall be permitted at a height greater than 35 feet subject to Director Review and approval: **chimneys**, silos, cupolas, flag poles, wind generation towers, monuments, natural gas storage holders, personal radio and other similar towers, water tanks, church steeples and similar structures and mechanical appurtenances that are permitted in a designation. In cases where the additional height might result in substantial detrimental effects on the enjoyment and use of surrounding properties, a use permit will be required but shall not exceed 60 feet, except for wind generation towers.

CHAPTER 4 - GENERAL

2. Remove note after Table 04.120 requiring 30-foot front, side and rear yards required by State law on all lots greater than one acre, regardless of the land use designation. Add note subject to CalFire standards, more restrictive of two prevails.

CL	10'	5'	0'
C	10'	5'	0'
SC	10'	5'	0'
IP	20'	10'	10'
RM	50'	30'	30'
AG	50'	50'	50'
NHP	30'	30'	30'
OS	50'	30'	30'

~~**NOTE:** 30 foot front, side and rear yards is required by State law on all lots greater than one acre regardless of the land use designation.~~ Subject to CalFire setback standards. In the case of contradictory standards, the more restrictive setback shall apply.

CHAPTER 4 - GENERAL

3. Revise Guesthouse language to clarify that Guesthouse is not an ADU and shall not be used as a rental unit.

04.281 Guesthouses.

“Guesthouse” means an accessory use to a residence that may contain living and sleeping spaces, including bathrooms, but shall not contain facilities for the cooking of food.

A guesthouse shall not be used ~~as an Accessory Dwelling Unit~~ for rental whether compensation is direct or indirect.

CHAPTER 4 - GENERAL

4. Re-number Inactive Projects from 04.360 to 04.350

04.3~~60~~ 50 Inactive Projects.
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CHAPTER 4 - GENERAL

5. Table 04.030 Animal Standards is updated to clarify regulations for RM and MU properties and to clarify distance separation requirements.

Zone District	Minimum Lot Area Required	Animal Units Permitted	Distance Separation Requirements
ER RR	10,000 sq. ft.	Less than one acre: one unit per 10,000 sq. ft. of lot area with Director Review with Notice 1-10 acres: one unit per 10,000 sq. ft. of lot area. >10 acres: no limit	No requirements in OS, PF, AG Except for movement on and off the property, animals shall not be kept, maintained or used in any other way, inside or outside any structure within 50' of those portions of any structure used for human occupancy, assembly or habitation, other than the residence of the owner or keeper of such animals.
RMH AG PF OS RM	10,000 sq. ft.	10 acres or less: one unit per 10,000 sq. ft. >10 acres: no limit	
SFR MU	20,000 sq. ft.	Two units per 20,000 sq. ft. of lot area with Director Review with Notice >1 acre: one unit per 10,000 sq. ft. of lot area.	

Distance Separation Requirements

No requirements in OS, PF, AG.

Except for movement on and off the property, animals shall not be kept, maintained or used in any other way, inside or outside any structure within 50' of those portions of any structure used for human occupancy, assembly or habitation, other than the residence of the owner or keeper of such animals.

CHAPTER 12 – DEVELOPMENT CREDITS

1. Re-number sections for consistency with content of General Plan.

Chapter 12 – Development Credits

Sections:

12.010	Background.
12.020	Purpose and Intent.
12.030	Definitions
12.040	Scope: Development Credits Program Provisions
12.050	Clustering
12.060	

CHAPTER 12 – DEVELOPMENT CREDITS

2. Add language to reference the Development Credit Map and to clarify that policies specific to an area can be found in the area plans.

12.010 Background.

Agriculture is an important component of the Mono County economy and cultural identity. The landowners of two valleys in particular, Bridgeport and Hammil, have expressed a strong desire to preserve their agriculturally designated lands. In these regions, a development credit program was crafted in the 1980s that allocated a fixed number of development credits to each parcel of agriculturally designated land based upon the total acreage of the individual parcel, or the total aggregated acreage of each individual landowner. Historically a “ledger” of development credits was maintained by the Community Development Department. This ledger is no longer maintained, as the number of development credits is tracked for each parcel directly on the Land Use Designation maps and a [Development credit map](#). Previously, the Area Plans for Bridgeport and Hammil valleys have described the Development Credits program. Policies specific to those regions as well as the Bodie Hills, can still be found in their respective [Area Plans](#). This chapter was created during the 2013 General Plan Update to better organize information regarding the existing development credit program and facilitate expanded agriculture preservation policies.

CHAPTER 12 – DEVELOPMENT CREDITS

3. Add language D.i-ii to section 12.040 clarifying the development credit plan process.

D. Development Credit Plan:

Applicants proposing boundary changes to parcels with assigned Development Credits should propose the reassignment and configuration as part of the project or boundary adjustment.

- i. It is the applicant's responsibility to propose the redistribution of assigned DCs in a new planning permit that proposes to alter parcel boundaries/ parcels.
- ii. If the applicant fails to propose the redistribution/ reassignment, staff will use a proportionality principle according to acreage and initial DC assignments, to redistribute.

CHAPTER 12 – DEVELOPMENT CREDITS

4. Add footnotes to section 12.050 to provide background and intent of the development credit program.

FOOTNOTES: The Development Credit program was incorporated into area plan policies of the General Plan and implemented a process and formula for assigning credits. Development credits were assigned in accordance with the total acreage under a single ownership. The total number of development credits were assigned in accordance with the following rules:

- a. For lands under a single ownership which total ten (10) acres or less, one (1) development credit was assigned.
- b. For lands under a single ownership which total forty (40) acres or less, one (1) development credit was assigned for each ten (10) acres.
- c. For lands under a single ownership which total more than forty (40) acres, four (4) development credits were assigned for the first forty (40) acres, and one additional development credit was assigned for each additional forty (40) acres, or portion thereof greater than ten (10) acres.

CHAPTER 23 – DARK SKY REGULATIONS

1. Add language to clarify preferred lighting temperatures, remove language referencing incandescent bulbs.

23.050.E. Fixture Types. All new outdoor lighting shall use full cutoff luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane and a preferred temperature of 2300K, and not to exceed 3000K, with the following exceptions:

1. Fixtures that have a maximum output of 100 lumens (~~equivalent to one 10-watt incandescent bulb~~) or less, regardless of the number of bulbs, may be left unshielded provided the bulb surfaces are obscured from off-site visibility with a semi-translucent or frosted glass that has an opaque top to prevent the light from shining directly up. However, partial or full shielding is preferred to control light output in all situations.

2. Fixtures that have a maximum output of 600 lumens (~~equivalent to one 40-watt incandescent bulb~~) or less shall be partially or totally shielded using a solid or semi-translucent barrier, provided that the lamp is not visible from off site, no direct glare is produced, and the fixture has an opaque top to keep light from shining directly up; e.g., a low output-style wall pack.

3. Floodlights that do not meet the definition of “full cutoff” may be used if permanently directed downward, if no light is projected above the horizontal plane, and if and fitted with external shielding to prevent glare and off-site light trespass. Unshielded floodlights are prohibited.

CHAPTER 23 – DARK SKY REGULATIONS

2. Add Table 23.050.E to determine conversions between watts and lumens.

Table 23.050.E			
Incandescent bulb (12-18 lm/W)	Lumens (lm)	LED bulb (90 lm/W)	Halogen (23 lm/W)
25 W	300-450 lm	3-5 W	15-22 W
40 W	480-720 lm	5-8 W	23-35W
60 W	720-1080 lm	8-12 W	35-52 W
75 W	900-1350 lm	10-15 W	44-65 W
100 W	1200-1800 lm	14-20 W	58-87 W

CHAPTER 25 – SHORT-TERM RENTALS

1. Add clarification language to 25.015 General Requirements and Applicability:

Chapter 25 – Short-term Rentals

25.015 General Requirements and Applicability.

the owner and shall terminate upon a change of ownership.

- E. Rental is limited to a single party of individuals as consistent with an approved short-term rental permit.
- F. General Plan Land Use Element Chapter 16 – Accessory Dwelling Units governs the eligibility of accessory dwelling units for short-term rentals.

CHAPTER 25 – SHORT-TERM RENTALS

2. Add language to 25.020 clarifying that the short-term rental use must be clearly subordinate to the primary use of the property, and language to Action 13.M.1.h prohibiting rentals on Skyline Drive.

25.020 Establishment of Owner-Occupied Short-Term Rental

Owner-occupied short-term rentals require the owner to live on site, or the unit must be associated with an owner-occupied principal residence on the same parcel or a physically contiguous adjacent parcel. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). ~~To ensure the short-term rental use is clearly subordinate to the primary use of the property, rental of the entire primary residential unit while the owner lives in an on-site ADU is prohibited.~~ The owner is required to be present during the rental.

June Lake Area Plan

Action 13.M.1.h. Owner-Occupied and Not-Owner-Occupied rentals may be permitted in the Leonard Avenue neighborhood, **except Skyline Drive**, subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies. **Short-term rentals are prohibited on Skyline Drive.**

COUNTY-WIDE LAND USE POLICIES

1. Add new action 1.A.2.d clarifying if fire districts do not provide feedback or will-serve letters for new construction in a timely manner, ministerial permits will be issued in a timely manner in accordance with standard procedures.
2. Remove Actions related to will-serve letter requirements from Mono Basin, Long Valley, and Tri-Valley area plans: 10.F.1.a, 23.A.2.a, 26.A.4.d and 26.C.4.b.

Action 1.A.2.d. Request input and will-serve letters from applicable special districts for development projects, including planning and building permit applications. If a timely response is not received, ministerial permits shall be issued in a timely manner, in accordance with standard procedures.

~~Mono Basin Area Plan: **Action 10.F.1.a.** Require development projects to obtain "will-serve" letters from applicable service agencies.~~

~~Long Valley Area Plan: **Action 23.A.2.a.** Require development projects to obtain "will-serve" letters from applicable service agencies.~~

~~Tri-Valley Area Plan: **Action 26.A.4.d.** New development projects, including subdivisions, shall comply with fire safe regulations and obtain "will-serve" letters from the White Mountain Fire Protection District.~~

~~Tri-Valley Area Plan: **Action 26.C.4.b.** New development projects and subdivisions shall comply with fire safe regulations and obtain "will-serve" letters from the Chalfant Valley Fire Department.~~

CHAPTER 4 - GENERAL

6. Add language to 04.280.E.1 per RPAC recommendation manufactured homes less than 20' in width are consistent with the community character in Antelope Valley and Lee Vining, as well as clarifying language about foundation requirements.

E. In addition, the following standards shall apply except in the RMH land use designation:

1. Have a minimum width of 20 feet or more. A minimum width less than 20 feet may be allowed when the home is generally consistent with community or countywide design guidelines. Per the Antelope Valley and Mono Basin Regional Planning Advisory Committee's (RPAC's) recommendations, manufactured homes with a width of less than 20 feet are considered consistent with community character and design guidelines in the Antelope Valley and community of Lee Vining.

2. Be attached to a foundation that meets the same building code and seismic requirements as required for all other single-family residential structures in the county, and consists of either:

- a. A permanent perimeter foundation constructed of concrete or masonry, or
- b. A permanent and complete non-structural perimeter enclosure consisting of siding, skirting, or similar paneling on a non-load bearing frame that connects the unit to the ground with no gaps and meets the following requirements:
 - i. An appearance like a standard concrete or masonry foundation associated with a single-family residential structure. Examples of acceptable siding materials include, but are not limited to, masonry siding (such as Hardi Plank), adhered masonry veneer (i.e., river rock or ledger stone), and wood siding assemblies that meet Office of State Fire Marshal (OSFM) standards for Wildland Urban Interface (WUI) compliance.
 - ii. California Residential Code (CRC) standards.
- c. Sheet or corrugated metal, reflective materials, or other materials not resembling a concrete or masonry foundation typical of a traditional single-family residential structure are not acceptable.

Recommendation

1. Conduct a public hearing on GPA 23-02, and receive any additional public comments;
2. Deliberate the project and additional public comments, and make any desired modifications; and
3. Following the public hearing and project deliberations, adopt Ordinance & Resolution R23-XX certifying an Addendum to the 2015 General Plan EIR and adopting GPA 23-02.